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NOV - 6 2003

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Paper No. 18

In re Application of
Christopher C.N. Callow
Application No. 09/870,135
Filed: May 30, 2001
Attorney Docket No. 056848-5033

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: DECISION ON PETITION
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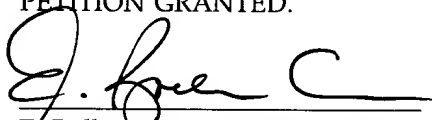
This is a decision on the petition filed on October 22, 2003 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the final Office action dated February 21, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because petitioner timely filed a Request for Examination (RCE) and extension of time. In support of this allegation, petitioner has supplied a copy of the RCE and extension of time request, together with a post card receipt showing that these papers were in fact received in the Office on June 23, 2003. This date is within the period set for reply in the final Office action, as extended by one month. It is also noted that Office financial records show that the requisite RCE and extension fees were received by the Office on June 23, 2003.

Based upon the evidence, it is clear that this application is not in fact abandoned. Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for entry of the RCE, extension and entry of the amendment after final action as requested in the RCE. Thereafter, the application will be forwarded to the examiner for appropriate action on the reply filed on June 23, 2003.

PETITION GRANTED.


E. Rollins Cross, Director, Patent
Examining Groups 3710 and 3720

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